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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,950	12/15/1998	ALAN K. WALBECK	INTELOG.002A	9113

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Knobbe Martens Olson & Bear LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

LE, HIEU C

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/10/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/211,950

Applicant(s)

WALBECK ET AL.

Examiner

Hieu c. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 28-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12 and 28-39 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Interview Summary

Application No.

09/211,950

Applicant(s)

WALBECK ET AL

Examiner

Hieu c. Le

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All participants (applicant, applicant's representative, PTO personnel):

(1) Hieu c. Le.

(3) _____.

(2) Lee W. Henderson (20,905).

(4) _____.

Date of Interview: 03 February 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: claims 1 & 29.

Identification of prior art discussed: of record.


Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner called the Applicant representative to inquire about the support for the new limitations i amended claim 1 and new claim 29. Applicant representative promised to call back. No calls have been received from him.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

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1. The Amendment file 11/10/03 have been entered and made of record.
2. Several calls have been made to Applicant's representative to show where support exists for the new limitations added to claim 1 and in new claim 29 .
3. The Applicant 's argument filed 11/10/03 have been fully considered with regard to claims 1-12 but they are moot in view of new grounds for rejection.

Applicant alleges that " By contrast, Applicants teach a system [,]" (p. 5, lines 17-18). The Examiner disagrees. The language " where an active server polls clients based on a lineup card" anywhere in claim 1.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-12,29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites " wherein said active network server grants access to said medium by sending a first token to a first network node, said first network node relinquishes access to said network medium by returning a second token to said active network server, said active network server grants access to said medium by sending a third token to a second network node, and said second network node relinquishes access to said network medium by returning fourth token to said active to said active

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network server" lines 7-13. There is no disclosure in the specification as originally filed of such limitations. A review of centralized token passing (polling) on page 26, line 3- page 27, line 16 of the originally filed specification does not recite such limitations.

Claim 29 recites "wherein said active network server sends a token to an active client node to grant access to said medium, and wherein said active client node returns a token to said active network server to relinquish control of said medium", lines 1-3. There is no disclosure in the specification as originally filed of such limitations. A review of centralized token-passing (polling) on p. 26, line 3-p.27, line 16 of the originally filed specification does not recite such limitations

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "limitations recited claims 1 & 29" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2,4-9,12,28-36,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Szkopek et al. (5,878,221) in view of Kryskow, Jr et al. (4,491,946).

As to claim 1, [As best understood by the Examiner] Szkopek discloses a method for arbitrating use, of a network medium to avoid collision caused by multiple nodes attempting to transmit data on the network medium at the same time the method comprising the steps of:

listening to a network medium to determine the medium is active or inactive (col. 35, lines 57-63, col. 40, lines 7-8);

establishing an active network server if the medium is inactive [If the network is idle (inactive), node tries to assume the role of a ring master (active network server) (col. 35, lines 63- col. 36, line 4)]; and

using centralized token passing for access to a said medium, when said medium is active, the centralized token passing controlled by the active network server [the system using a arbitrate mechanism for the right to transmit between the ports. The arbitration logic determines whether or not there is activity on each of the lines present to it and selects the active line (active medium,) (col. 31, lines 9-23). The master station (active server) controls token passing (col. 39, lines 48-54)].

Szkopek does not disclose wherein said active network server grants access to said medium by sending a first token to a first network node, said first network node relinquishes access to said network medium by returning a second token to said active network server, said active network server grants access to said medium by sending a third token to a second network node, and said second network node relinquishes access to said network medium by returning fourth token to said active to said active network server.

Kryskow discloses a communication system utilizing token passing to communicate over a shared wire or bus (medium) into which plurality of stations are connected (col. 2, lines 51-61). Master stations (active network clients) have token access capability and are arranged on a token list (lineup card), one station only can own the token and is able to transfer messages on the bus (active network server) (col. 2, lines 60-65, col. 3, lines 18-31, col. 5, lines 4-14 & col. 42-52). Master station that current owns the token (active network server) passes the token to its to station on record on the token list (col. 13, lines 5-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kryskow's teachings to modify the method of Szkopek by using a token list (lineup card) that lists active stations and pass the token and control of the bus to the stations on the list in order to reconfigure the communication system according to change station states to form new and different communication system having different access mechanism protocols depending upon the particular states of the station.

As to claim 2, Kryskow further discloses wherein the active network server maintains a lineup card that lists one or more active client nodes (col. 2, lines 60-65, col. 3, lines 18-31, col. 5, lines 4-14, lines 42-52).

As to claim 4, both Szkopek (col. 36, lines 33-34) and Kryskow (col. 2, lines 60-67) further disclose wherein the selected node is allowed to transmit data on the network medium only when the selected node has the token.

As to claim 5, Kryskow further discloses wherein the selected node is removed from the lineup card when the node has been inactive for a period of time (col. 4, lines 19-28, col. 32, lines 23-25).

As to claim 6, Szkopek further discloses wherein a new client node requests insertion on the lineup card by using spitting on the bus algorithm (col. 5, lines 53-59).

As to claim 7, Szkopek further discloses wherein a presence of said datagram is detected by matching a specified preamble and length sequence [a MAC packet based token is used to arbitrate access to transmission media (col. 37, lines 30-32). The MAC packet token is shown in figs. 30-31. A line activity detector is used to sense the presence of a MAC packet (datagram) exists on the line and a comparator is used to indicate the absence of the receive data (col. 28, lines 58-67). The data packet as shown in figs 30-31 includes a preamble and a sequence of bits used to detect the presence of a data packet signal (col. 18, lines 31-38)].

As to claim 8, Szkopek further discloses wherein access to the medium is provided by a media access control layer (col. 33, lines 23-28).

As to claim 9, Szkopek further discloses wherein said media access control layer provides control structures to implement a spare receive buffer large enough to hold a Media Access Control Header (col. 18, lines 15-38, col. 40, lines 34-38).

As to claim 12, Szkopek further discloses wherein a preferred server node becomes said active server node in response to a wake-up algorithm [a central hub (preferred node) becomes a master node (active server node) in response to a wake-up algorithm shown in Fig. 34 (col. 35, lines 54-67)].

As to claim 28, Szkopek discloses a method for arbitrating use, of a network medium to avoid collision caused by multiple nodes attempting to transmit data on the network medium at the same time the method comprising the steps of:

establishing an active network server [If the network is idle (inactive), node tries to assume the role of a ring master (active network server) (col. 35, lines 63- col. 36, line 4)];

using centralized token passing for access to a said medium when said medium is active, said centralized token passing controlled by said active network server, [the system using a arbitrate mechanism for the right to transmit between the ports. The arbitration logic determines whether or not there is activity on each of the lines present to it and selects the active line (active medium,) (col. 31, lines 9-23). The master station (active server) controls token passing (col. 39, lines 48-54)].

Szkopek does not disclose building a lineup card; and said active network server granting access to said medium by polling network nodes listed on said lineup card. Kryskow discloses a communication system utilizing token passing to communicate over a shared wire or bus (medium) into which plurality of stations are connected (col. 2, lines 51-61). Master stations (active network clients) have token access capability and are arranged on a token list (lineup card), one station only can own the token and is able to transfer messages on the bus (active network server) (col. 2, lines 60-65, col. 3, lines 18-31, col. 5, lines 4-14& col. 42-52). Master station that current owns the token (active network server) sends a broadcast WHO'S NEXT signal to all stations on the token list (polling) (col. 21, lines 47-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kryskow's teachings to modify the method of Szkopek by building a token list (lineup card) and polling the network stations on the list in order to reconfigure the communication system according to change station states to form new

and different communication system having different access mechanism protocols depending upon the particular states of the station.

As to claim 30, Kryskow further discloses wherein said active network server passes a token to a selected client node, said selected client node being one of said one or more active client nodes listed on said lineup card (col. 13, lines 5-37).

As to claim 31, refer to claim 4 rejection.

As to claim 32, refer to claim 5 rejection.

As to claim 33, refer to claim 6 rejection.

As to claim 34, refer to claim 7 rejection.

As to claim 35, refer to claim 8 rejection.

As to claim 36, refer to claim 9 rejection.

As to claim 39, refer to claim 12 rejection.

9. Claims 10& 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al. (5,878,221)) in view of Kryskow, Jr et al. (4,491,946) as applied to claim 9 & 36 above and further in view of Hales II et al. (5,925,105).

As to claim 10, neither Szkopek nor Kryskow discloses further comprising the step of sending a BUSY response from a receiving node to a transmitting node when the receiving node is swamped with previous packet requests.

Hales discloses a method for communication between agents in an electronic conferencing system that comprise a plurality of agents (nodes) coupled to a communication medium (col. 3, lines 40-53). The communication medium may be any one of different various networks and such as tokenring (col. 5, lines 23-28). The link manager has to inform the message sender when a receiver has not handled the previous data packet. The communication services have a buffer where they temporarily

store inbound messages, and if the buffer is full (i.e the node is swamped with previous packet requests) , the communication services signal the sender's communication layer, which marks the channel as "busy" (col. 13, line 61-col. 14, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hales's teachings to modify the combined method of Szkopek and Kryskow by sending a busy response to the sending node when the buffer at the receiving node is full in order to stop the pending messages from coming to the receiver causing an over flow of full buffer and being lost.

As to claim 37, refer to claim 10 rejection.

10. Claims 11& 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al. (5,878,221) in view of Kryskow, Jr et al. (4,491,946) as applied to claim 1 & 28 above and further in view of Miller et al. (5,727,002).

As to claim 11, neither Szkopek nor Kryskow discloses further comprising the step of issuing an auto announce packet when a new node enters the network.

Miller discloses a data transmission method, where a server issue an announce packets to new clients to register with the server and the clients automatically respond to the announce packets with registration packets (col. 6, lines 27-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Miller's teachings to modify the combined method of Szkopek & Kryskow by issuing an auto announce packet when a new node enters the network in order to register the new nodes to the registered client list (token list).

As to claim 38, refer to claim 11 rejection.

Allowable Subject Matter

11. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 305-9705. The fax phone number for this Group is (703) 308-9051.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER